

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 28, 2009

Board of Land and Natural Resources
State of Hawaii

PSF No.: 09KD-032

Kauai

Cancellation of Governor's Executive Order No. 3449 to the Department of Water, County of Kauai and Reset Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Remote Automatic Weather Station (RAWS), Together With Easements 1, 2, and 3 For Water Pipeline Purposes and Issuance of Construction and Management Right-of-Entry, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-12: 32.

CONTROLLING AGENCY (of subject executive order):

Department of Water, County of Kauai

APPLICANT (requesting set aside):

Department of Land and Natural Resources, Division Of Forestry and Wildlife

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hanapepe situated at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-8-12: 32, as shown on the attached map labeled Exhibit A & B.

AREA:

14,516 Square Feet, more or less.

Together with:

Easement 1 = 538 Sq.Ft.

Easement 2 = 662 Sq.Ft.

Easement 3 = 1392 Sq.Ft.

ZONING:

State Land Use District: Urban

County of Kauai CZO: Residential R-6

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. S-3449 to Department
of Water, County of Kauai for Water Tank Site, together with
Easements 1, 2 and 3 for water pipeline purposes.

PURPOSE OF SET ASIDE:

Remote Automatic Weather Station purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management
jurisdiction and does not constitute a use of State lands or funds,
and therefore, this action is exempt from the provisions of Chapter
343, HRS, relating to environmental impact statements. Inasmuch as
the Chapter 343 environmental requirements apply to Applicant's use
of the lands, the Applicant shall be responsible for compliance with
Chapter 343, HRS, as amended.

REMARKS:

Governor's Executive Order 3449 was issued on March 7, 1990 to the
Department of Water County of Kauai for a Water Tank Site.
The elevated water tank was built in 1946 for the Hanapepe
Heights House Lots Subdivision by the County of Kauai was
undocumented and unauthorized.

In a letter dated March 11, 2009 acting Manager and Chief Engineer
Wynne Ushigome requested canceling Executive Order No. 3449.
(Exhibit C)

The Department of Water Supply has no plans for the site due to
construction of a 0.5 million gallon water tank located on Parcel
05, of TMK: (4) 1-7-06 and is willing to return this parcel to be
set-aside to the Department of Land and Natural Resources, division
of Forestry and Wildlife for there Remote Automated Weather Stations
(RAWS).

The Division of Forestry & Wildlife has secured Draught Mitigation
Funds to purchase five (5) Remote Automatic Weather Stations (RAWS).
These (RAWS) are free standing weather stations that provide data
through satellite from centralized locations.

The weather data from these RAWS will be utilized for the Hawaii Fire Danger Rating System as well as general weather information. Most importantly it will help predict possible weather conditions and changes when fighting wild land fires.

This Hanapepe site will be the last of the five site necessary to complete RAWS strategic location on the Island of Kauai.

Division of Forestry & Wildlife will accept the former water tank site, together with Easements 1, 2, and 3 formerly for water pipeline purpose in "as is" condition.

State and County of Kauai agencies were solicited for comments

State Agencies:

Department of Health:

"Noise will be generated during the demolition and Construction phase of this project. The applicable maximum permissible sound levels as stated in Title 11, Hawaii Administrative, Chapter 11-46, entitled Community Noise Control shall not be exceeded unless a noise permit is obtained from the Department of Health."

Office of Hawaiian Affairs: No comments at this time.

Historic Preservation: No response received as of 6/1/2009

County of Kauai Agencies:

Planning Department- No comments

Public Works- No response received as of 6/1/2009

We received a letter from Mr. David R. Craddick, Manager and Chief Engineer of the Department of Water, County of Kauai having no comment at this time.

Memorandum from Mr. Alvin Kyono, Kauai Branch Manager for Division of Forestry & Wildlife response to Department of Health's concern of noise during construction. (Exhibit D)

Division of Forestry & Wildlife is requesting a construction and management right-of-entry so they can install the RAWS equipment and install fencing (estimated 20' x 20'). The fencing is needed to protect the RAWS equipment.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 3449 subject to the following:
 - A. Division of Forestry and Wildlife will accept the former water tank site, together with Easements 1, 2 and 3 formerly for water pipeline purpose in "as is" condition.

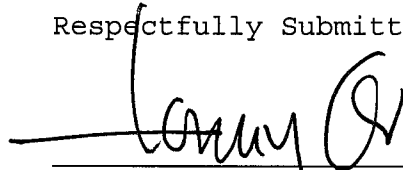
- B. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - C. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - D. Review and approval by the Department of the Attorney General; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Land and Natural Resources, Division Of Forestry and Wildlife under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a construction and management right-of-entry to the Department of Land and Natural Resources, Division of Forestry and Wildlife (Kauai Branch) for the subject area under the terms

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and conditions cited above, which are by this reference incorporated herein and further subject to the following:


- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Tommy Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

Dwg. No.: 3707
 Source: HNS Plat 3012-B & C.S.K-9988
 By: H.N. & R.V. Date: Nov. 1948

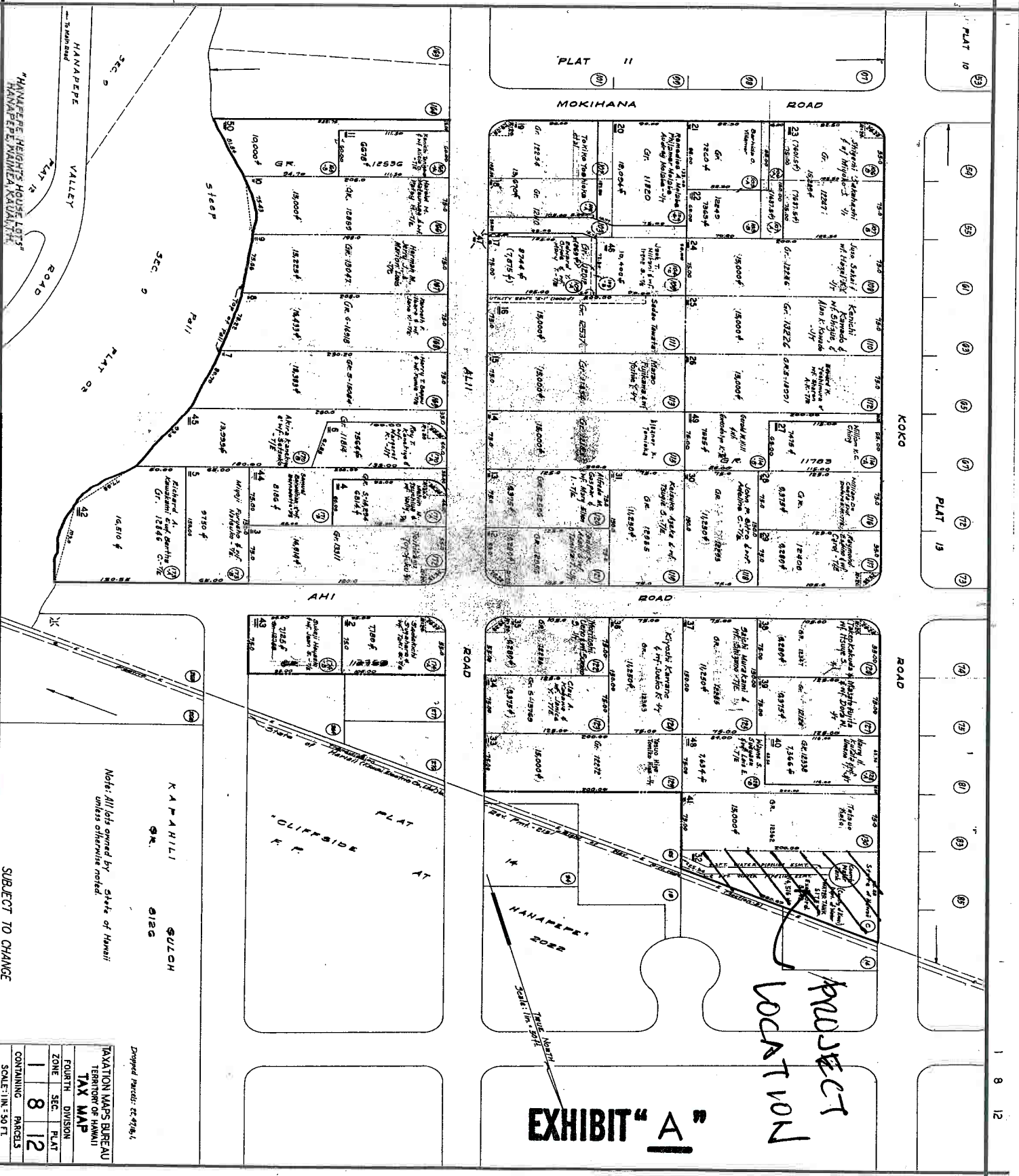


EXHIBIT "A"

PROJECT LOCATION

Dropped parcels: 22, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FOURTH DIVISION	ZONE	SEC.	PLAT
1	8	12	

CONTAINING PARCELS

SCALE: 1" = 50 FT.

ROAD

WATER TANK
SITE
14,516 Sq. Ft.

ROAD

Grant 12347 to
Takeo Kakuda
and Itsuye
Seshiki Kakuda

Grant 12124 to
Masato and Don
Wada Fujita

38 to
Kurata and
Kurata

130

Grant 12285 to
Hitomi Murakami

Grant
Harry
Umen

Grant 12362 +
Tatsuo Kato

124
Grant 12343 to
Kiyoshi Kawane and
Sueko Kurokawa Kawane

29
57

Grant 12286 to
Moritoshi Ueno
and Sumiko
Shitanaka Ueno

Grant 5-13762 to
Kenneth Kiyoshi
Kawane and
Edith S.K Kawane

Grant 12272 +
Yasuo Higa

- 4 EASEMENT 2 (3.00 feet wide)
for water pipeline purposes
662 60 Ft

EASEMENT 1 (3.00 feet wide)
for water pipeline purposes
28 Sq. Ft

— 9510.42 N.
5914.18 E.
"PHOLO" A.

4 Easement 3 (3.00 feet wide)
for water pipeline purposes
1302 Sq. Ft.

7.4
12752 to
Kaname Saito

Grant
Jack

$$\begin{array}{r} 24^{\circ} 38' 30'' \\ \hline 75.00 \end{array}$$

WATER TANK SITE

Hanapepe, Waimea, Kauai, Hawaii
Scale: 1 inch=100 feet

JOB K-25(89)
C. BK. 5, p. 81; D. Oyama

TAX MAP 1-8-12:1, 32
C.S.F. NO. 20, 960

W. A. Jr May 26, 1989

EXHIBIT "B"



Water has no substitute.....Conserve it

March 11, 2009

Mr. Thomas Oi
Kaua'i District Land Agent
Department of Land and Natural Resources
3060 Eiwa Street
Lihu'e, Hawai'i 96766

Dear Mr. Oi:

Subject: Governor's Executive Order No. 3449
Tax map key: 1-8-12: 32, Hanapepe, Kaua'i

The Department of Water is requesting to cancel Governor's Executive Order No. 3449 which set aside land for public purposes. The State Department of Land and Natural Resources, Division of Forestry, has expressed a desire to use the former tank site as a rain gauge station. Since the site is no longer being used by the Department, we request to transfer the use and assignment of this property back to the State. In turn, the Division of Forestry has agreed to accept the transfer of control and management of this parcel on an "as-is" basis.

Thank you for your consideration and attention on this matter. If you have any questions or need further clarification, please feel free to contact me at (808) 245-5409.

Sincerely,

A handwritten signature in cursive script, reading "Wynne M Ushigome".

Wynne M Ushigome
Acting Manager & Chief Engineer

WU:emi

c: Alvin Kyono, State Forestry

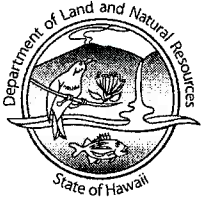
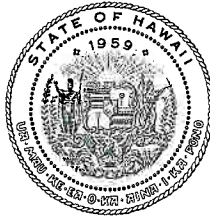
PM2:12:48

MAR 12 '09

EXHIBIT "C"

DLNR KDLO RCVD

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

DIVISION OF FORESTRY AND WILDLIFE
KAUAI DISTRICT
3060 EIWA STREET, ROOM 306
LIHUE, KAUAI, HAWAII 96766

June 1, 2009

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

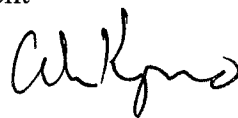
RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORANDUM

TO: Thomas Oi, Kauai District Land Agent

FROM: Alvin Kyono, Branch Manager 

SUBJECT: Reference No. 09KD-032; Request for Cancellation of Governor's Executive Order No. 3449 to the Department of Water, County of Kauai and the Set-Aside to Department of Land and Natural Resources, Division of Forestry and Wildlife for Remote Automatic Weather Station (RAWS) and Departmental Purposes.

The installation of the Remote Automatic Weather Station (RAWS) will not generate any excess noise during the construction phase. The work will consist of erecting a protective fence and installation of the station, which consists of modular pipe frames which will require bolting together and anchoring to the ground with metal stakes. No other groundwork will occur other than weed-wacking the existing grass.

EXHIBIT "D"

